

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TAMEKA BELL, TANIKA BELL,
DEREK BELL, JR., TAVAN BELL, MONTEZ BELL,
BRADLEY BELL, and BRANDY BELL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARY BELL,

Respondent-Appellant,

and

DEREK BELL,

Respondent.

In the Matter of TAMEKA BELL, TANIKA BELL,
DEREK BELL, JR., TAVAN BELL, MONTEZ BELL,
BRADLEY BELL, and BRANDY BELL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEREK BELL,

Respondent-Appellant,

and

MARY BELL,

Respondent.

UNPUBLISHED
December 11, 2003

No. 249046
Bay Circuit Court
Family Division
LC No. 01-007445-NA

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Before: Whitbeck, C.J., and Hoekstra and Donofrio, JJ.

PER CURIAM.

Respondent-mother Mary Bell appeals as of right in Docket No. 249046 and respondent-father Derek Bell appeals as of right in Docket No. 249047 from an order terminating their parental rights to their minor children, Tameka Bell (born July 5, 1989), Tanika Bell (born October 9, 1990), Derek Bell, Jr. (born September 6, 1991), Tavan Bell (born October 9, 1992), Montez Bell (born April 4, 1994), Bradley Bell (born February 16, 1995), and Brandy Bell (born February 16, 1995), under MCL 712A.19b(3)(c)(i) (continuation of conditions that led to the adjudication) and (g) (failure to provide proper care or custody). The two appeals were consolidated by order of this Court granted July 10, 2003. We affirm.

I. Basic Facts And Procedural History

The FIA filed a petition for temporary custody of the children on December 5, 2001. The petition alleged, among other things, that Derek and Mary Bell had failed to maintain stable housing, that their transitory lifestyle was a result of mismanagement of finances, and that the children displayed antisocial behavior. Eight months passed after the filing of the petition before Mary Bell indicated an interest in participating in services. She failed almost all aspects of her parent-agency agreements when she refused counseling, missed thirty-two of forty-three requested drug screens and tested positive for cocaine in three of the submitted screens, failed her parenting classes, and rarely visited the children. When she did visit, the visits were chaotic. Mary Bell was also hospitalized twice in 2002 for mental health issues but denied that she needed any assistance other than with finding housing.

Derek Bell, who is mentally impaired and receives disability benefits, did not participate in services until six months after the filing of the petition, evidently in part because of a personal protection order that kept him from Mary Bell. He substantially complied with much of his parent-agency agreement by participating in counseling, attending two sets of parenting classes (although failing each set because of poor attendance), submitting forty-four of sixty-one requested screens (although twice testing positive for alcohol use), and attending most of his scheduled visits with the children. However, his visits revealed that he was unable to control all seven children and had difficulties paying attention to more than one child at a time. The visits never progressed to the point that unsupervised visitation could be recommended. A psychological evaluation revealed him to be emotionally limited and unlikely to recognize and respond to his children's emotional needs.

Testimony of psychologists and counselors who had worked with the children, who ranged in age from 7 to 13 at the time of the termination trial, indicated that they continued to display extremely antisocial behavior while in the court's custody, including temper tantrums, lying, stealing, and extreme physical aggression.

The trial court entered an order terminating respondents' parental rights on April 29, 2003.

II. Clear And Convincing Evidence

A. Standard Of Review

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence.¹ Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests.²

We review the trial court's decision for clear error.³ A finding of fact is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made.⁴

B. Statutory Grounds

Derek and Mary Bell's parental rights were terminated because of the continuation of conditions that led to the adjudication⁵ and failure to provide proper care or custody.⁶ Initially, we note that Derek Bell made commendable efforts to comply with the parent-agency agreement. However, based on the previously recited facts, we conclude the trial court did not clearly err in finding that both cited statutory grounds for termination were established by clear and convincing evidence.⁷ Further, the evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests.⁸ Thus, the trial court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Pat M. Donofrio

¹ *In re Sours Minors*, 459 Mich 624; 593 NW2d 520 (1999); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993).

² MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

³ *Id.* at 356-357.

⁴ *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000).

⁵ MCL 712A.19b(3)(c)(i).

⁶ MCL 712A.19b(3)(g).

⁷ MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

⁸ MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).